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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
TIMOTHY MCDONALD,  
  
Defendant.

Case No. SA CR 17-66-JVS

GOVERNMENT'S SENTENCING POSITION

Hearing Date: January 8, 2018  
Hearing Time: 9:30 a.m.

Plaintiff United States of America, by and through its counsel  
of record, the United States Attorney for the Central District of  
California and Assistant United States Attorney Anne C. Gannon,  
hereby files its sentencing position. The government's sentencing  
position is based upon the attached Memorandum of Points and  
Authorities, the Presentence Investigation Report, the files and

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1 records in this case, and such further evidence and argument as the  
2 Court may permit.

3 Dated: December 22, 2017

Respectfully submitted,

4 SANDRA R. BROWN  
Acting United States Attorney

5 DENNISE D. WILLETT  
6 Assistant United States Attorney  
Chief, Santa Ana Branch Office

7  
8 /s/  
ANNE C. GANNON  
9 Assistant United States Attorney

10 Attorneys for Plaintiff  
11 UNITED STATES OF AMERICA  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Defendant Timothy McDonald ("defendant") pleaded guilty to two counts of Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. § 1956(h), pursuant to a plea agreement. The Presentence Investigation Report ("PSR") prepared by the Probation Office ("USPO") calculates defendant's total offense level as 19 and defendant's criminal history category as I resulting in a guideline range of 30-37 months' imprisonment. (PSR ¶ 3.) The government agrees with the PSR's calculation of a guideline sentencing range of 30-37 months' imprisonment.

**II. DEFENDANT'S CONVICTION AND THE PRESENTENCE INVESTIGATION REPORT**

On August 10, 2017, defendant pleaded guilty to the two count Indictment charging Conspiracy to Commit Money Laundering. (PSR ¶ 3.) Defendant's offense conduct consists of sending marijuana from California to multiple individuals in Missouri. (PSR ¶¶ 12-18.) The individuals in Missouri would deposit payment for the marijuana in an account controlled by defendant or send it to defendant through PayPal. (PSR ¶¶ 14-16.) The amount of marijuana sent by defendant totaled between 60 and 80 kilograms. (PSR ¶ 20.) Bank records reflect deposits totaling \$191,861. (PSR ¶ 18.)

The USPO calculates defendant's total offense level as follows:

Base Offense Level:	<u>20</u>	U.S.S.G. § 2D1.1(c)(10)
Money Laundering:	<u>+2</u>	U.S.S.G. § 2S1.1(b)(2)(B)
Acceptance of Responsibility:	<u>-3</u>	U.S.S.G. § 3E1.1(a)
Total Offense	<u>19</u>	

(PSR ¶¶ 29-38)

**III. GOVERNMENT'S RESPONSE TO THE PSR AND SENTENCING POSITION**

**A. Offense Level Calculation**

Consistent with the plea agreement, the government concurs in the findings and conclusions of the USPO that defendant's total offense level is 19. (PSR ¶¶ 5, 25-38.)

**B. Criminal History Category**

The government has no objection to the calculation that defendant's criminal history is category I. (PSR ¶¶ 40-48.)

**C. Guideline Sentence**

The government has no objection to the determination that the guideline sentence range is 30-37 months' imprisonment.

**D. Statutory Sentencing Factors**

The government recommends a sentence of 30 months' imprisonment, the low-end of the guideline range, after considering the statutory sentencing factors set forth in 18 U.S.C. § 3553(a). While defendant is a young man, he engaged in both the financial and drug distribution aspects of the criminal conduct. (PSR ¶¶ 14-18.) In addition, he continued to abuse controlled substances on pretrial release. (PSR ¶ 10.) Therefore, a sentence of 30 months' imprisonment is sufficient, but not greater than necessary, to comply with the goals of sentencing. In particular, it reflects the nature and circumstances of the offense, history and characteristics of the defendant, and promotes respect for federal law prohibiting the interstate distribution of marijuana and money laundering.

**IV. CONCLUSION**

The government respectfully requests that this Court sentence defendant to a term of 30 months' imprisonment on each of Counts 1 and 2 of the Indictment, to be served concurrently, followed by a

1 three-year period of supervised release, on each count to be served  
2 concurrently, under the terms and conditions recommended by the USPO,  
3 and order defendant to pay \$200 in special assessments.